



Statement of Erin Cullen
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Before the

The Committee on the Judiciary & Public Safety
The Honorable Charles Allen, Chairperson

Public Hearing

Bill 22-222, the “Sexual Assault Victims' Rights Amendment Act of 2017”
Bill 22-255, the “Child Neglect and Sex Trafficking Amendment Act of 2017”
Bill 22-266, the “Victim Services Omnibus Amendment Act of 2017”

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Room 412

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, District of Columbia 20004

Introduction

Good morning Chairman Allen, Councilmembers, staff, and residents. I am Erin Cullen, and I have the privilege of serving as the Deputy Attorney General for the Family Services Division of the Office of the Attorney General (“OAG”). I am pleased to appear on behalf of Attorney General Karl A. Racine before the Committee on the Judiciary & Public Safety to testify on each of the bills on the agenda. Educating residents, particularly young people, about human trafficking and victim advocacy is a top priority of Attorney General Racine. I am pleased to say that each of these bills for Council consideration take important steps toward improving public safety in the District.

Bill 22-253, the “Child Neglect and Sex Trafficking Amendment Act of 2017”

OAG supports the enactment of the *Child Neglect and Sex Trafficking Amendment Act of 2017*. The Justice for Victims of Trafficking Act (“JVTA”) requires that child welfare agencies update their state plans to recognize that sex trafficking is a form of child abuse and neglect. Thus, Child and Family Services Agency (“CFSA”) must accept hotline calls, regardless of maltreater, that allege a child is a victim of sex trafficking. Currently, those calls, if the parent, guardian or custodian is not involved, are sent to the Metropolitan Police Department (“MPD”) for investigation. By requiring child welfare agencies to also investigate, more youth will be identified and linked to services to decrease the victims of this heinous crime.

JVTA is an important piece of legislation that will continue to expand the government’s attention and focus on the growing issue of the sexual exploitation of our youth, which leads to

increased episodes of trafficking. By implementing JVTA, we are increasing our ability to keep kids safe.

Attorney General Racine is committed to increasing awareness in schools and the larger community around the warning signs of human trafficking. Recently, with the support of our public schools, OAG unveiled a poster that was developed in collaboration with FAIR Girls, which speaks to the dynamics of sex trafficking. As OAG continues to educate our kids, school officials, parents and concerned citizens, OAG is drawing attention to the ways in which traffickers recruit victims and is helping protect our most vulnerable children from falling into the world of exploitation. By passing JVTA, the Council would expand upon this work and support a multi-agency approach to ensuring that incidents of trafficking are investigated and children are provided the services they need. OAG asks for your continued support in this important fight and urge you to pass the necessary legislation to bring the District into compliance with JVTA.

Bill 22-222, the “Sexual Assault Victims’ Rights Amendment Act of 2017”

OAG supports the goals and objectives of the *Sexual Assault Victims’ Rights Amendment Act of 2017*, and we look forward to working with this Committee, our partners in government, and relevant stakeholders to clarify and refine certain provisions prior to mark-up. This purpose of the bill is to amend the Sexual Assault Victims’ Rights Act of 2014 (“SAVRAA”).¹ The bill would, among other things, expand the right of sexual assault victims to have access to a sexual

¹ Effective November 20, 2014 (D.C. Law 20-139; D.C. Official Code § 23-1901 et seq.).

assault victim advocate; clarify the information victims have the right to receive from the Metropolitan Police Department, including a victim's right to receive prompt information regarding the victim's Physical Evidence Recovery Kit; establish the types of communications between a victim and a sexual assault victim advocate that are confidential; expand the reporting requirements of the Department of Forensic Sciences in its annual report; clarify the duties of the Sexual Assault Response Team; clarify the rights of victims when being provided emergency care; make unlawful the removal of a person's clothing without consent; and clarify the right of a victim to compensation under existing insurance policies.

Currently, SAVRAA entitles an adult victim to an independent, non-system advocate who is present at all interviews with law enforcement and prosecution. The role of the advocate is to inform the victim of the process should the victim choose to report or not choose to report the sexual assault. Washington Hospital Center is the main site for the sexual assault nurse examiner exam.

As proposed, the legislation: (1) would extend SAVRAA to victims ages 12 and older; (2) would allow the advocate to be exempt from mandated reporting; (3) does not expressly state that victims can continue to access Children's National Medical Center; and (4) does not expressly state that the Multi-Disciplinary Team currently affiliated with Safe Shores would be incorporated into the process used in the adult system. For the last two matters--Children's Hospital and our multi-disciplinary team--these issues can be easily addressed in the work that would be done to implement SAVRAA should it pass. However, the age group and mandated

reporting changes are areas where OAG has some concerns that it believes can be resolved through discussions with the Committee and stakeholders. As a bit of background, in 2013, Human Rights Watch released a highly critical report on sexual assault services related to adult victims. While that report was disputed by the District, it is important to note that the process involving minor victims were not included in that report because that process had been working relatively well. However, OAG fully supports any effort to ensure the District's juvenile process works better. Moreover, as currently written it may be interpreted that a sexual assault, that was also a child sex trafficking situation, could be a situation where an advocate would not be required to report. While it is possible that a victim of sexual assault will come in contact with a mandated reporter in the course of seeking medical treatment, exempting the advocate from mandatory reporting could have a significant impact on ensuring the safety of victims.

Bill 22-266, the “Victim Services Omnibus Amendment Act of 2017”

OAG supports the enactment of the *Victim Services Omnibus Amendment Act of 2017*. The bill would accomplish two significant purposes. Title I of the bill would establish an “address confidentiality program,” in which the Office of Victim Services and Justice Grants (“OVSG”) would establish substitute addresses for victims of domestic violence, stalking, and human trafficking (“program participants”), to be used in lieu of their actual physical addresses. OVSJG would forward first class, registered, and certified mail to the victim's actual address. In addition, the victim would be authorized to use the substitute address for certain District government documents, including drivers' licenses, and the District would be prohibited from

releasing a program participant's actual address except to government agencies under specified circumstances or pursuant to a court order. I am advised that at least 36 states have similar programs in place, and the draft bill is based on the laws enacted in those states. OAG suggests that "Domestic Violence" be defined consistent with D.C. Official Code § 16-1001.

Title II of the bill would establish a new Violence Fatality Review Board charged with examining homicide and suicide incidents of District residents between the ages of 19 and 59. This title contains provisions similar to provisions in the D.C. Code establishing the Domestic Violence Fatality Review Board ("DVFRB") and the Child Fatality Review Committee ("CFRC").² The new board would be charged with coordinating with other District fatality review committees to minimize duplicate reviews. With regards to this provision, OAG would like to work with the Committee and the Executive to clarify the term of the Office of the Attorney General member appointed to the Board.

Title III of the bill would establish a \$10,000 limit on the amount that may be paid under the Victims of Violent Crime Compensation Act of 1996³ for funeral and related expenses to victims of crime. Title IV would add the Director of OVSJG as a member of the Criminal Justice Coordinating Council for the District of Columbia.

Conclusion

² Established by, respectively, the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act of 2002, effective April 11, 2003 (D.C. Law 14-296; D.C. Official Code § 16-1051 *et seq.* (2012 Repl. and 2016 Supp.)), and the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.01 *et seq.* (2012 Repl. and 2016 Supp.)).

³ Effective April 9, 1996 (D.C. Law 11-243; D.C. Official Code § 4-501 *et seq.* (2012 Repl.)).

The Office of the Attorney General appreciates the opportunity to testify on these important bills. OAG will continue to work with you and its partners to ensure our policies and laws are effective in protecting public safety and promoting the public interest. I am happy to answer any questions that the members of the Committee may have.